

REMARKS

Reconsideration and allowance are respectfully requested. No new subject matter has been added.

Interview Summary

The undersigned gratefully acknowledges the telephonic interview that took place on August 6, 2009 with Examiner McLeod. During the interview, the subject matter recited in the claims was compared in relation to the cited references Seshadri and Serrano-Morales. In particular, the undersigned emphasized the differences between the rules (and the way that such rules are modified) of the cited references and the subject matter recited in the claims as well as differences relating to the messaging exchange between the data output device and the data distribution device. In addition, the Examiner suggested incorporating additional subject matter from the specification into the claims, including the subject matter in paragraph 21 of the specification. Although no agreement was reached, it is to these ends that the current amendment is directed.

35 USC § 102 / 103

Claims 20, 23-28 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by US Patent No. 7,209,916 B1 by Seshadri et al. These rejections are respectfully traversed.

To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which “each and every element as set forth in the claim is found, either expressly or inherently described.” MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The 35 U.S.C.

§102 rejections over Seshdari fail to satisfy this burden with regard to the currently pending claims.

The amendments to claims 20 and 25 find support, inter alia, in paragraphs 14 and 21 of the specification.

Claims 20 and 25 recite that a command originating from a data output device that indicates that data conveyance rules are to be modified is received by a data distribution device. Seshadri does not disclose such an arrangement. For example, Seshadri in the passages cited in col. 2 describes a rules process that receives state information and that such state information is used to determine which rule is to be invoked. Such state information is not described as being a message, nor does Seshdari describe that data conveyance rules can be modified in response to message - rather, as stated above, state information is used to determine which rule to invoke. Col. 9 of Seshadri additionally relates to processing of messages based on pre-existing rules as opposed to modifying the recited data conveyance rules in response to a message.

Seshadri also fails to disclose a rule template is associated with the data conveyance rules based on identification data contained within the first message. In contrast, Seshadri describes an arrangement in which a user manually identifies a rule template to be utilized (as opposed to identification data within a message). Moreover, Seshadri does not specify that a user interface is sent in a message so that a parameter can be solicited from the user - and that based on such parameter, a new rule is created that thereafter forms part of the data conveyance rules. For example, the parameter of the rule described by Seshadri on col. 15, line 66 is not solicited from the user based on a user interface sent via a message.

Moreover, the Seshadri fails to disclose that data conveyance rules are associated with a rules template based on an identifier of the data output device that is contained within a message

(claim 25) or that data conveyance rules are associated with a template based on an identifier of a user of the data output device (and that such identifier is contained within a message) (claim 27).

Accordingly, claims 20, 23-28 should be allowable.

Rejections under § 103

Claims 1, 4, 5, 7-9, 11, 14-16, and 19-22 stand rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. (U.S. Publication No. 2002/0032688 A1). Claims 2, 3, 10, 12, 17, 21, 22, and 29 stand rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. in view of Abrari et al. (U.S. Publication No. 2002/0120917 A1). Claim 6 stands rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. and in further view of Carlson et al. Claim 13 stands rejected under section 103(a) as allegedly being unpatentable over Seshadri in view of Abrari. These rejections are respectfully traversed.

For a proper rejection under 35 U.S.C. §103(a), the Office “bears the initial burden of factually supporting any prima facie conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art.

KSR, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the subject matter recited in the pending claims. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). It is respectfully submitted that the stated rejections under 35 U.S.C. §103(a) fail to satisfy this burden.

The amendments to claims 1, 10, 15, and 29 find support, inter alia, in paragraphs 14 and 21 of the specification.

The claims recite communications between a data distribution device and a data output device. With the current claims, a message indicating that data conveyance rules are to be modified are received by the data distribution device from the data output device. Seshadri fails to suggest such an arrangement. For example, Seshadri in the passages cited in col. 2 describes a rules process that receives state information and that such state information is used to determine which rule is to be invoked. Such state information is not described as being a message, nor does Seshdari describe that data conveyance rules can be modified in response to message - rather, as stated above, state information is used to determine which rule to invoke. Col. 9 of Seshadri additionally relates to processing of messages based on pre-existing rules as opposed to modifying the recited data conveyance rules in response to a message.

Seshadri also fails to suggest that a rule template is associated with the data conveyance rules based on identification data contained within the first message. In contrast, Seshadri describes an arrangement in which a user manually identifies a rule template to be utilized (as opposed to identification data within a message). Moreover, Seshadri does not specify that a user interface is sent in a message so that a parameter can be solicited from the user - and that based on such parameter, a new rule is created that thereafter forms part of the data conveyance

rules. For example, the parameter of the rule described by Seshadri on col. 15, line 66 is not solicited from the user based on a user interface sent via a message.

The Serrano-Morales reference relates to generation of user interfaces to generate rules. There is no suggestion that such a user interface can be specified in a message sent to a data output device so that a parameter can be modified at the data output device so that a subsequent message can be sent to a data distribution device so that data conveyance rules can be modified. Rather, Serrano-Morales simply relates to a user interface in which rules can be edited according to definitions specified by rules templates and rule element providers. Therefore, the skilled artisan would not have resulted in the subject matter of claim 1 by combining Seshadri with Serrano-Morales.

Accordingly, claim 1 and its dependent claims should be allowable. Moreover, as claims 10 and 15 recite similar subject matter, claims 10, 15, and their respective dependent claim should be allowable based on similar reasoning.

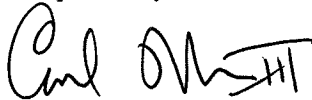
Claim 29 recites subject matter similar to claim 1 and should also be allowable based on similar reasoning. In addition, claim 29 recites that a message sent to the data distribution device indicates that data conveyance rules are to be modified and that the message includes identification data identifying a user of the data output device so that the data distribution device can associate the user with a set of rule templates. The cited references fail to suggest such an arrangement.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For at least the foregoing reasons, Applicant respectfully submits that the Examiner's rejections have been overcome and all pending claims are in condition for allowance. Reconsideration and allowance are requested.

Prior to filing this response, the undersigned made several calls to the Examiner which have gone unanswered. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-358.

Respectfully submitted,



Carl A. Kukkonen, III
Reg. No. 42,773

Date: August 11, 2009

Address all written correspondence to
Customer No. 64280
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Phone: 858.314.1500
Fax: 858.314.1501